Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

TESTIMONY OF

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U.S. HOUSE OF REPRESENTATIVES

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Introduction

Good morning, Mr. Chairman and members of the Subcommittee on Fisheries Conservation, Governor Whitman, and ladies and gentlemen. My name is Gary Matlock, and I am the Director of the Office of Sustainable Fisheries at the National Marine Fisheries Service (NMFS). I want to thank the Chair of the Subcommittee for inviting our Agency to address you today regarding Atlantic yellowfin tuna (YFT). In my brief remarks, I would like to address the science and status of the YFT stock, the nature of the international and domestic YFT fishery, and the management of YFT.

NMFS recognizes that the Committee places a high priority on rebuilding overfished fisheries and taking proactive steps to prevent overfishing before it occurs. During the 104th Congress, this Committee played a leading role in the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as contained in the Sustainable Fisheries Act. This important piece of legislation enhanced protection for our nation's fisheries in many ways, but one of the more progressive measures of particular concern to the Committee is the identification and protection of stocks nearing an overfished condition. The Highly Migratory Species Fishery Management Plan (HMS FMP) is one of the first FMPs that implements the many increased protections for marine fisheries contained within the Sustainable Fisheries Act.

In April 1999, NMFS released the final HMS FMP which responds to the Magnuson-Stevens Act requirements to identify and rebuild overfished fisheries and to maintain fully fished fisheries. This final FMP and its implementing regulations brings the management of YFT and other tunas under both the Magnuson-Stevens Act and the Atlantic Tunas Convention Act (ATCA). The FMP was developed over a two-year period through a cooperative process including the HMS Advisory Panel (AP). The members of

the AP, from commercial and recreational fisheries, environmental organizations, regional fishery management councils and the states, advised NMFS at every step of the process. All eight HMS AP meetings were open to the public, and included a session for public comment. Over the two-year period, NMFS shared with the AP members and the public the scoping documents, pre-drafts of key sections of the FMP, a draft FMP and a proposed rule. The public comment period for the FMP and proposed rule lasted over six months; NMFS conducted over 25 public hearings and received over 5,000 public comments. The final HMS FMP uses the best available science to respond to NMFS' legislative mandate under Magnuson-Stevens and ATCA to identify overfished species, implement measures to rebuild or maintain these stocks (including ICCAT recommendations), prevent overfishing, consider community and socio-economic effects, and describe the habitat of HMS. NMFS responded to all public comments received and resolved major issues identified by the commentators.

The International and Domestic YFT Fishery

The YFT fishery is conducted Atlantic-wide in both directed and incidental fisheries. In the United States, YFT landings are primarily from the pelagic longline fleet, along with some rod and reel and other hook and line catches. YFT are often caught in the pelagic longline fishery for swordfish, along with other so-called "BAYS" tuna species (bigeye, albacore, yellowfin and skipjack). Total 1997 landings in the Atlantic reached 131 thousand metric tons, slightly less than the ten-year average of 150 thousand metric tons. The United States accounted for roughly six percent of total Atlantic landings in 1997. The major commercial YFT fisheries are conducted using purse seine, bait boat, and pelagic longline gear.

The YFT fishery is a very important fishery in the United States, for both recreational and commercial fishing. YFT and other BAYS tunas also support extensive recreational fisheries, and are an important source of direct income to charter/headboat vessels, particularly trips targeting YFT. The private recreational and charter fisheries for BAYS tunas have become more important as stricter catch limits and shorter fishing seasons have been implemented for bluefin tuna (BFT). In fact, from 1996 - 1998 the proportion of dockside intercepts of offshore recreational fishing trips in which YFT were retained has increased from 16 percent in 1996 to 29 percent in 1998 of all intercepts.

A total of 7625 metric tons of YFT were landed in the United States in 1997. Of these landings, 51 percent by volume were commercial landings, and 49 percent recreational. Commercial landings of YFT are monitored through a combination of logbooks, dealer reports and port agent systems. Recreational landings are monitored through the use of survey-based estimates, including the Large Pelagics Survey (LPS), the Marine Recreational Fisheries Statistics Survey, and the NMFS party/headboat survey.

Science

YFT stock assessments are conducted by the Standing Committee on Research and Statistics (SCRS) of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Because of the highly migratory behavior of YFT, an international assessment is the most appropriate approach to stock evaluation and the work of the SCRS constitutes the best available scientific information regarding the status of the stock. The SCRS includes government and private sector scientists from all the member countries of ICCAT. The SCRS process includes a peer review of scientific papers as well as regular meetings to discuss and analyze data and to conduct stock assessments. The latest stock assessment for YFT was conducted in 1998.

The SCRS has indicated since 1994 that the YFT stock is fully exploited. In the 1998 stock assessment, SCRS noted that the current fishing mortality rate for YFT probably exceeds that which would support the maximum sustainable yield. The SCRS continues to recommend no increase in fishing mortality of YFT or its equivalent in effort.

Management of YFT

In response to the SCRS determination in 1994 of the fully exploited status of YFT, ICCAT has issued a number of management recommendations calling for restrictions in this fishery. These include a minimum size recommendation and restrictions on the use of fish aggregation devices (FADs) due to concern over the high take of juveniles in this fishery. One of the more significant recommendations is the requirement for all member nations to cap the level of effective fishing effort at 1992 levels.

The United States is a leader in promoting conservation measures for ICCAT stocks. At the 1998 ICCAT meeting, the United States was successful in achieving adoption of several management recommendations and resolutions that further the goals of the Magnuson-Stevens Act, even those for which we account for a small share of total fishing mortality. For example, a long term bluefin tuna rebuilding plan was adopted, along with resolutions calling for rebuilding scenarios for other overfished species such as bigeye tuna and billfish. Note that in some cases, the United States was successful in obtaining an exception for the U.S. recreational fleet (e.g., bigeye tuna), as well as special provisions recognizing management measures in place for the U.S. commercial fleet, such as the northern albacore recommendation regarding reductions in fleet capacity.

NMFS implemented several domestic management measures for YFT prior to the April 1999 HMS FMP. These included: permitting for commercial and recreational fishermen, and for dealers; mandatory logbooks for commercial fishermen, mandatory dealer reporting; gear restrictions (prohibition on the use of pair trawls in the commercial fishery), limited access (for the purse seine fishery), and a minimum size higher than the ICCAT-recommended minimum size. The larger minimum size for YFT was designed to coincide with that for BFT, as there is often misidentification by fishermen between these two species when they are juveniles.

In response to the concern over the status of the stocks based on the 1998 stock assessment, the HMS FMP implements further precautionary measures to cap fishing effort on this fully fished stock. These new measures include limited access in the pelagic longline fishery for tunas, a prohibition on the use of drift gillnet for Atlantic tunas, and a retention limit of three YFT per angler per day. These management measures are consistent with Magnuson-Stevens Act requirements to prevent overfishing before it occurs; if this stock becomes overfished, fishermen would have to face more stringent management measures in order to rebuild.

As more and more fisheries are declared fully or overfished, and are subject to limited access and/or recreational restrictions, fully fished fisheries such as YFT could be affected by those exiting overfished fisheries. Taking these precautionary steps in limiting both commercial and recreational fishing effort helps ensure that the YFT fishery does not become the target of effort that is displaced from other fisheries.

The YFT retention limit restricts the harvest of YFT while still allowing for consumptive use of the species. Data from the LPS over the past few years indicate that 95 percent of private and charter vessels average three YFT or fewer per angler per trip. Therefore, this bag limit, which is consistent with the precautionary approach for a fully fished fishery, will not restrict YFT landings on most recreational fishing trips. Recreationally harvested YFT average around 33 pounds whole weight, such that each angler can still land approximately 100 pounds of YFT per trip.

During the comment period on the draft FMP and proposed rule, NMFS received numerous comments in support of the recreational bag limit. Some commentary noted that the three YFT bag limit was more than sufficient, and that charter boat captains often imposed such a limit voluntarily on their clients. Commentary noted the expansion of the recreational YFT fishing effort and expressed concern over U.S. consistency with the ICCAT recommendation to cap effort in this fishery. NMFS also received many comments opposing any restrictions whatsoever on the recreational fishery for YFT. Opponents argued that the three-YFT retention limit would have a considerable economic impact on anglers and charter/party boat operators, that the United States should not "get out in front of ICCAT," and that this measure was discriminatory as there is no commercial quota. The agency rejected these arguments. As noted at public hearings even by opponents

of the retention limit, the three YFT limit is higher than current average catches of YFT per angler per trip. The commercial fishery is subject to limited access, gear restrictions, and other measures. The United States has repeatedly shown in international negotiations that it is an *advantage*, not a disadvantage, to be proactive in international management. Given that the YFT stock is fully fished and that recreational anglers account for approximately half of U.S. landings, the United States must take measures to address the YFT recreational fishing effort.

In addressing the social and economic impacts of this management measure, NMFS noted in the Environmental Impact Statement of the HMS FMP that the bag limit could discourage some anglers from paying for charter/headboat trips if they see the retention limit as limiting their fishing activity. However, based on the dockside collection of catch per trip, this retention limit would limit very few anglers. The recreational retention limit does not preclude the continuation of fishing under catch and release conditions once the bag limit has been achieved. Recreational groups have long emphasized the positive economic and ecological impacts associated with catch and release fishing.

The United States plans to promote stronger management measures within ICCAT for YFT in the near future. By taking strong initial steps to address the fully-exploited status of this resource and to ensure U.S. compliance with the recommendation to cap fishing effort at 1992 levels, the United States can play a strong role in negotiating international management measures for YFT, much as we did for other species. Most important, by being proactive in managing both the commercial and recreational fisheries, the United States could be in a better position to negotiate measures internationally that are fair and equitable to both sides of the domestic fishery.

Conclusion

A final rule implementing the HMS FMP was published in May 1999. However, we do not consider it to be the "final word" but rather a blueprint for the ongoing management of all HMS. NMFS will continue to work with the APs and with the public as our fisheries evolve in order to ensure effective fishery

management through either the framework or amendment process in order to meet the objectives of this FMP.

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